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*Attorneys for Plaintiffs and the Proposed Class*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO / OAKLAND DIVISION

JASMEN HOLLOWAY, AMY GARCIA,  
CHERYL CHAPPEL, MUEMBO  
MUANZA, MAURICE CALHOUN, and  
NICHOLAS DIXON, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

BEST BUY CO., INC.,

Defendant.

Case No. C-05-5056 PJH (MEJ)

**STIPULATION AND ~~PROPOSED~~**  
**ORDER CONTINUING CERTAIN DATES**

1 WHEREAS, at the status conference for this case held on April 13, 2006, this  
2 Court set certain dates and deadlines including (1) Plaintiffs' motion to amend due on October 13,  
3 2006; (2) parties to engage in private mediation between January and April, 2007, and to file a  
4 status statement re: outcome of private ADR by May 2007; (3) Plaintiffs' motion for class  
5 certification due on July 13, 2007; and (4) hearing on Plaintiffs' motion for class certification on  
6 November 7, 2007. Given the nature of the claims, the size and complexity of the case, and the  
7 volume of discovery, the parties agree that it is necessary to continue those dates;

8 WHEREAS, the parties informed the Court at the case management conference  
9 and in their joint case management conference statement that the deadlines set by the Court with  
10 respect to class certification and other matters might have to be continued depending upon the  
11 scope of discovery and the fact that a large number of responsive documents are held by third  
12 parties to whom Best Buy has outsourced some of its Human Resources and Information Systems  
13 functions;

14 WHEREAS, Plaintiffs served their First Request for Production of Documents on  
15 March 23, 2006 and Best Buy, after receiving an extension of time, timely responded on May 25,  
16 2006;

17 WHEREAS, Plaintiffs have continued to serve additional requests for production,  
18 including a Fourth Request for Production served on September 13, 2006;

19 WHEREAS, the nature of the Requests for Production requires Best Buy to gather  
20 hard copy documents, electronic documents and e-mails from approximately 750 stores, 57  
21 districts, 8 territories/regions and the corporate headquarters dating from January 1, 2001;

22 WHEREAS, the parties continue to meet and confer with respect to confidential  
23 designations and/or redactions of documents, including documents and data containing employee  
24 information, and have sought and obtained guidance from the Court with respect to some of the  
25 documents and data that have been produced;

26 WHEREAS, in conjunction with the production, Best Buy has already produced a  
27 number of documents, including, on October 5, 2006, electronic personnel data for approximately  
28 407,000 current and former Best Buy employees. In addition, Best Buy anticipates producing

1 applicant data for over 3,500,000 applicants within the next week. However, due to the large  
2 volume of documents requested, Best Buy has not yet completed production of documents  
3 responsive to Plaintiffs' First Request;

4 WHEREAS, Best Buy is continuing to diligently work to produce the documents  
5 requested, including the voluntary production of documents within the custody and control of  
6 third parties without the need for subpoenas;

7 WHEREAS, both parties are diligently conducting as much discovery as possible,  
8 including (1) Best Buy has propounded, and Plaintiffs have responded to, one set of Requests for  
9 Production and one set of Interrogatories; (2) Best Buy has scheduled and is in the process of  
10 taking the depositions of the Named Plaintiffs and the witnesses listed in Plaintiffs' Rule 26  
11 disclosures; and (3) Plaintiffs have served a deposition notice for Best Buy in 27 separate areas  
12 pursuant to Rule 30(b)(6);

13 WHEREAS, the parties have agreed that certain dates, including the deadlines for  
14 engaging in private ADR, the exchange of expert reports and class certification briefing, should  
15 be continued in a manner consistent with this Court's original scheduling order in order to allow  
16 the parties to complete necessary discovery;

17 THEREFORE, the parties hereby stipulate and agree, and request that the Court  
18 order, that the following dates should govern the further conduct of this action:

19 1. Plaintiffs shall file any motion seeking to amend the complaint by adding  
20 new named plaintiffs no later than November 15, 2006, unless Best Buy stipulates to later  
21 additions of new plaintiffs, or this Court so orders.

22 2. Best Buy shall continue its rolling production of documents responsive to  
23 Plaintiffs' First and Fourth Sets of Requests for Production of Documents (and any subsequent  
24 document requests).

25 3. Best Buy shall produce documents concerning basic Best Buy corporate  
26 policies and procedures with respect to hiring, job assignments, training, scheduling,  
27 compensation, promotions, evaluations, discipline, and terminations located on Best Buy's  
28 internal intranet system (aka "ToolKit") no later than November 15, 2006.

4. Best Buy shall produce documents, and schedule 30(b)(6) depositions on the following topics as soon as is practicable, and in any event no later than February 28, 2007 (with pertinent documents produced at least two weeks prior to the particular deposition):

a. Best Buy's organizational structure and operations (30(b)(6) topic 1, First Request For Production, 12; Fourth Request for Production, 2, 3).

b. Segmentation/Customer Centricity (30(b)(6) topic 12; First Request for Production 27; Fourth Request for Production 12).

c. Corporate Human Resources policies and record keeping (30(b)(6) topic 20).

d. Electronic communications systems (30(b)(6) topic 23; Fourth Request for Production 6).

e. Document retention policies (30(b)(6) topic 24; First Request for Production No. 6).

5. Best Buys' document production shall be substantially complete by April 30, 2007.

6. The parties shall engage in private ADR between March and June 2007, and shall file a status statement re: outcome of private ADR by August 2007;

7. Best Buy shall make witnesses available for 30(b)(6) depositions on a rolling basis as soon as is practicable after relevant documents have been produced, and in any event no later than June through August, 2007.

8. Plaintiffs shall file any motion seeking leave to amend the complaint for any reason other than the addition of new named plaintiffs no later than June 13, 2007, unless Best Buy stipulates to a later amendment, or the Court grants leave for a later amendment.

9. Plaintiffs' Expert Designations and Reports shall be due on October 1, 2007.

10. Defendants' Expert Designations and Reports shall be due on December 3, 2007.

11. Plaintiffs' Rebuttal Expert Reports shall be due on January 14, 2008.

12. Defendants' Rebuttal Expert Reports shall be due on February 15; 2008.

13. Plaintiffs' Motion for class certification shall be filed on March 12, 2008.

14. Defendants' Opposition to Plaintiffs' Motion for Class Certification shall be filed by May 7, 2008.

15. Plaintiffs' Reply Brief In Support Of Class Certification shall be filed by June 4, 2008.

16. The hearing on Plaintiffs' Motion for Class Certification will be held on June 25, 2008, or at the Court's convenience.

The parties hereby stipulate, and request that the Court so order.

DATED: October 12, 2006

**LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP**

By: /s/ Eve H. Cervantez  
Eve H. Cervantez

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1 DATED: October 12, 2006

**ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

2  
3 By: /s/ Roman M. Silberfeld  
Roman M. Silberfeld

4 Roman M. Silberfeld, (SBN 62783)  
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9 Attorneys for Defendant, BEST BUY STORES, LP.  
10 (erroneously sued as BEST BUY CO., INC.)  
11  
12

13 **~~PROPOSED~~ ORDER**

14 Pursuant to Stipulation, it is so ORDERED,

15  
16 DATED: 10/17/06



17 PHYLLIS J. HAMILTON  
18 United States District Judge  
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**ATTESTATION**

I hereby certify that for all conformed signatures indicated by a /s/ I have  
holographic signatures on file.

DATED: October 12, 2006

By: /s/ David Martinez  
David Martinez

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